

REMARKS

This paper is submitted in response to the Office Action dated December 23, 2002, for which reconsideration is respectfully requested. The shortened statutory deadline for response was March 23, 2003. Accordingly, Applicants hereby request a three-month extension of time under Rule 136(a). Thus, a Fee transmittal with an authorization to withdraw \$465.00 from Deposit Account No. 50-1635 is enclosed herewith for this fee. Also enclosed herewith is formal drawing sheet for FIGS. 6A and 6B pursuant to the Notice of Draftperson's Patent Drawing Review.

Claims 26-28 are pending in the case. The Examiner rejected claims 26 and 27 as being obvious over Scheinberg (6,030,086) in view of Howell (5,899,553). However, he deemed claim 28 to be allowable. In response to this Office Action, Applicants respectfully traverse the rejections of claims 26 and 27 based on the amendments and arguments presented herein.

Claim 26 has been amended to make it clear that the one or more flexible luminescent lamps are "underlying said one or more exterior, optically transmissive components." This is not narrowing the claim because the added language was already recited in the claim, albeit in different locations. As discussed below, the amendment simply highlights an important difference between the illuminated mouse of claim 26 and the devices disclosed in the cited references.

The Examiner asserts that Scheinberg and Howell together make claims 26 and 27 obvious because Scheinberg substantially teaches the illuminated mouse of claims 26 and 27, except that it fails to teach the one or more luminescent lamps. He asserts that Howell teaches the needed luminescent lamp in its EL template sheet, and that it would have been obvious to substitute the Scheinberg bulb with the Howell EL lamp. Contrary to the Examiner's assertions,

however, Scheinberg and Howell fail to establish a prima facie case of obviousness because (i) either alone or in combination, they do not teach Applicant's back-lit mouse, which as claimed, recites "one or more flexible luminescent lamps underlying said one or more exterior, optically transmissive components," and (ii) even if they did teach this element, they cannot be combined or modified as done by the Examiner because Howell expressly teaches away from back-lit EL lighting.

Claim 26 recites an illuminated mouse with "one or more flexible luminescent lamps underlying said one or more exterior, optically transmissive components . . ." (emphasis added). (Claim 27 depends from claim 26 so it too includes this element.) The "underlying" aspect of Applicant's lamp is important because it protects the one or more luminescent lamps from being damaged by continuous exposure to dirt, sweat, and oil from a user's hand and/or fingers. At the same time, it allows for a significant amount of light to be evenly emitted from and around the mouse device.

Neither Scheinberg nor Howell teach such a luminescent lamp underlying an optically transmissive exterior portion. Scheinberg teaches a neon bulb 36 for illuminating mouse 28 from within a transparent plastic material 16. However, it does not at all disclose a luminescent lamp. Howell does disclose a luminescent lamp, but it exclusively teaches a template lamp 13 that is disposed over an underlying device for illuminating around it. In fact, Howell expressly teaches away from using its template sheet for providing underlying illumination.

In particular, Howell teaches a luminescent sheet for addition to an underlying push-button device. (Howell, col. 1, l. 47). The luminescent sheet is profiled on the border of the device and contains a templated series of openings placed around push buttons of the device.

(Howell, col. 1, ll. 61-66). It expressly teaches that the EL template is for underlying devices with "push-buttons which derive some benefit from being illuminated." (Howell, col. 2, ll.12-14). Howell also expressly teaches away from back-lit illumination such as that claimed by Applicant. IN explaining its top-lit, template solution, Howell states that "[t]he present invention permits lighting an underlying device by template illumination, rather than by back lighting the device." (Howell, col. 2, ll. 36-38). It goes on to explain the purpose of top-lit instead of back-lit illumination as follows:

The visible surface of the electroluminescent sheet is evenly and softly illuminated in a manner such that labels can be read surrounding the push buttons of the underlying device, while the illumination is not over or under done. The resulting illumination is not overly bright or harsh to the user or others in the vicinity of the user, is not distracting to the main activity for which such a push-button device is used, does not unduly expose the user to harm by drawing attention to the use of such an underlying device, and does not result in a momentary loss of night vision. Such an underlying device is therefore illuminated by template illumination rather than by back lighting.

(Howell, col. 5, ll. 22-33)(emphasis added). Therefore, it is clear that Howell not only fails to teach the use of a luminescent lamp for backlighting, but also, it cannot be modified to provide this missing element to Scheinberg because it expressly teaches away from such a modification or combination. Accordingly, claims 26 and 27 are not obvious in view of Howell and Scheinberg.

CONCLUSION

Applicants have obviated the various objections and rejections. Consequently, claims 26-28 appear to be allowable, and a Notice of Allowance is respectfully requested. The Examiner is

invited to contact the undersigned attorney at (512) 238-7253 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael O. Scheinberg", written over a horizontal line.

Michael O. Scheinberg
Scheinberg, Griner & Wordstrom
Patent Reg. 36,919
P.O. Box 164140
Austin, Texas 78716-4140
Telephone: (512) 328-9510
Facsimile: (512) 306-1963

APPENDIX A

Marked-Up Claim Set

26. (Currently Amended) An illuminated mouse comprising:

one or more exterior mouse components comprising an optically transmissive material;
and
one or more flexible luminescent lamps underlying said one or more exterior, optically transmissive components to provide an intensity of illumination to said components visual to a user of the mouse.

27. (Original) The mouse of claim 26, wherein the one or more mouse components includes an exterior, upper mouse enclosure component.

28. (Original) The mouse of claim 26, wherein the one or more mouse components includes an optically transmissive mouse button.